

**EXHIBIT A**

**FILED UNDER SEAL**

Page 1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING,

INC.,

Defendants.

/

WAYMO & UBER CONFIDENTIAL ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF GREGORY KINTZ

SAN FRANCISCO, CALIFORNIA

WEDNESDAY, APRIL 26, 2017

BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~  
CSR LICENSE NO. 9830  
JOB NO. 2592507

PAGES 1 - 234

Page 34

1           Were you able to determine that the GBr3       11:39

2   boards had [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] 11:39

5           A   Yes.   11:39

6           Q   Without even relying to [REDACTED] [REDACTED]

[REDACTED] [REDACTED] depicted on page 5? 11:39

8           A   Yes.   11:39

9           Q   Okay. So, why did you need to refer to the 11:39

[REDACTED] [REDACTED] ? 11:39

11          A   They give [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 11:39

15          Q   So, you didn't measure -- so what -- let me 11:40

16   just make sure I understand.                           11:40

17          You said you did not detail [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 11:40

19          How would you have [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 11:40

21          A   The way to do that is by taking the 11:40

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 11:40

Page 36

[REDACTED] 11:41  
2 Q Not the [REDACTED] [REDACTED]  
[REDACTED] ? 11:42  
4 A The diode is [REDACTED] 11:42  
5 Q So that would be [REDACTED] ? 11:42  
6 A Correct. 11:42  
7 Q And underneath that, [REDACTED] [REDACTED]  
[REDACTED] ? 11:42  
9 A Uh-huh. 11:42  
10 Q What does that represent? 11:42  
11 A [REDACTED]. 11:42  
12 Q Okay. Now, would you look at [REDACTED] [REDACTED]  
[REDACTED] ? 11:42  
14 A No. 11:42  
15 Q No? 11:42  
16 Why not? 11:42  
17 A Well, if you -- the most accurate way is to 11:42  
18 do the previous calculation that I discussed, which is 11:42  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] 11:42  
22 Q Okay. But I -- I understood that it would 11:43  
23 also be helpful to look at [REDACTED] as well; 11:43  
24 right? 11:43  
25 A Yes. 11:43

Page 49

1 paragraph 33 of your original declaration? 12:07

2 A Again, I was the -- used the [REDACTED] 12:07

3 information that was available to me at the time to 12:07

4 determine [REDACTED] [REDACTED] 12:07

[REDACTED] [REDACTED] 12:07

6 Q Okay. Since we don't have that document in 12:07

7 front of us, maybe we can just walk through it. 12:07

8 So the -- it looks like you're comparing 12:07

[REDACTED] in the 12:07

10 Fuji board in paragraph 33; is that correct? 12:08

11 MR. JAFFE: I'm going to -- excuse me. I'm 12:07

12 going to object to you asking these questions without 12:08

13 putting the document in front of him. 12:08

14 MR. KIM: Q. Well, let me just ask you: Can 12:08

15 you explain generally how you got the [REDACTED] 12:08

16 referenced in paragraph 33? 12:08

17 A Yes. 12:08

18 Q Okay. How did you do that? 12:08

19 A The [REDACTED] information is a text 12:08

20 human readable file that is [REDACTED] [REDACTED] 12:08

[REDACTED] [REDACTED] 12:08

22 I then imported that text file into a program 12:08

23 called Microsoft Excel, which allowed me to do 12:08

24 numerical calculations on the data contained in that 12:08

25 text file. 12:08

Page 50

1           And in that Excel file, I computed [REDACTED] [REDACTED]  
[REDACTED], as 12:08  
3 previously discussed. 12:09  
4   Q   Okay. [REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 12:09  
11   Q   Okay. And I -- I just want to clarify. 12:09  
12       So, earlier we were looking at [REDACTED] [REDACTED]  
[REDACTED] for the GBr3. 12:09  
14       Do you recall that? 12:09  
15   A   Yes. 12:09  
16   Q   By [REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED] [REDACTED]; is that correct? 12:09  
19   A   No. I was computing the -- [REDACTED]. 12:09  
20   Q   Using [REDACTED]? 12:09  
21   A   Yes. 12:10  
22   Q   And then there is this number [REDACTED] [REDACTED]  
[REDACTED]. 12:10  
24       Do you see that in paragraph 33? 12:10  
25   A   Yes. 12:10

Page 54

1           But let me ask you my next question, which           12:13

2   is: You also looked at the [REDACTED]           [REDACTED]

[REDACTED] ?           12:13

4   A   Correct.           12:13

5   Q   And that was part of your determination as to   12:13

6   whether or not there was [REDACTED]           [REDACTED]

[REDACTED]; correct?           12:13

8           MR. JAFFE: Objection; form.           12:13

9           THE WITNESS: There is -- as demonstrated by   12:13

10   the information in the [REDACTED] file, that there   12:13

11   is [REDACTED]           [REDACTED]

[REDACTED].           12:14

13           MR. KIM: Q. So you could look at the       12:14

[REDACTED]           [REDACTED]

[REDACTED] ?       12:14

16   A   The [REDACTED] information by itself would not   12:14

17   yield enough data to actually produce that       12:14

18   information.       12:14

19   Q   Why not?       12:14

20   A   Because [REDACTED]           [REDACTED]

[REDACTED]           [REDACTED]

[REDACTED]       12:14

23   Q   And so you would need to look at [REDACTED]   [REDACTED]

[REDACTED]           [REDACTED]

[REDACTED]; correct?       12:14

Page 55

1 A Correct. 12:14

2 Q And earlier you -- you said that you were 12:14

3 able to determine whether the GBr3 boards were -- [REDACTED] [REDACTED]

[REDACTED] just by looking 12:15

5 at them; correct? 12:15

6 MR. JAFFE: Objection; form. 12:15

7 THE WITNESS: Yes. 12:15

8 MR. KIM: Q. And you were able to do the 12:15

9 same based on your visual inspection of the Fuji 12:15

10 boards; correct? 12:15

11 A Yes. 12:15

12 Q So, are you telling me that just by visually 12:15

13 inspecting the Fuji boards, you were able to determine 12:15

14 what the -- [REDACTED] were? 12:15

15 MR. JAFFE: Objection; form. 12:15

16 THE WITNESS: No, I did not make that 12:15

17 determination. 12:15

18 MR. KIM: Q. Were you able to determine the 12:15

19 [REDACTED] just from visually inspecting the Fuji 12:15

20 boards? 12:15

21 A The -- not to a high degree of accuracy. But 12:15

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] 12:16

25 Q But that's not responding to my question. 12:16

Page 56

1           My question is: Were you able to determine       12:16  
2           [REDACTED] for the Fuji boards that you visually   12:16  
3           inspected?   12:16

4           MR. JAFFE: Objection; form.                          12:16

5           THE WITNESS: Then I guess no, I was not able   12:16  
6           to determine.   12:16

7           MR. KIM: Q. And were you able to determine   12:16  
8           [REDACTED] of the                                   12:16  
9           Fuji boards that you visually inspected?       12:16

10          A No, not to -- no.                                  12:16

11          Q I wanted to go back to your reply              12:17  
12          declaration --    12:17

13          MR. JAFFE: Just --                                  12:17

14          MR. KIM: Q. -- in paragraph 4.                   12:17

15          A (Witness complies.)                                12:17

16          MR. JAFFE: -- just as a matter of              12:17  
17          scheduling -- I -- I don't mean to interrupt. I'm   12:17  
18          just curious when we're going to do lunch.       12:17

19          MR. KIM: I'd started my question.                12:17

20          MR. JAFFE: I'm just asking for lunch, so --   12:17  
21          sorry. Go ahead. It's not a matter of interrupting   12:17  
22          you. I'm just curious.                                12:17

23          MR. KIM: Q. So, Mr. Kintz, in paragraph 4,   12:17  
24          you're referring to [REDACTED] [REDACTED]        12:17

[REDACTED] [REDACTED]                                        12:17

1 A F T E R N O O N S E S S I O N

2 1:05 P.M.

3

4 THE VIDEOGRAPHER: We are back on the record 13:05

5 at 1:05 p.m. 13:05

6 MR. KIM: Q. Mr. Kintz, we were talking 13:05

7 about [REDACTED]. And I wanted to ask you what 13:05

8 you meant by [REDACTED] in your 13:05

9 declaration, for example, in paragraphs 4 and 5 which 13:06

10 we had been discussing. 13:06

11 A The definition of [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] 13:06

15 Q Okay. And so, if [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] ? 13:06

19 A Yes, I would agree with that statement. 13:06

20 Q Okay. And is it also your testimony that if 13:06

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] ? 13:07

24 MR. JAFFE: Excuse me. Objection; form. 13:07

25 THE WITNESS: In a more broad definition of 13:07

Page 64

1 [REDACTED], yes, that would. 13:07

2 I believe, in the context of the Trade Secret 13:07

3 that we're discussing right now, no, because that 13:07

4 [REDACTED]. 13:07

5 MR. KIM: Q. So, just to make sure I -- I 13:07

6 understand your answer, if you had [REDACTED] [REDACTED]

[REDACTED] ? 13:08

14 A Yes. 13:08

15 MR. JAFFE: Objection; form. 13:08

16 Just give me a second to object, please. 13:08

17 THE WITNESS: Yeah. 13:08

18 MR. JAFFE: Thank you. 13:08

19 THE WITNESS: Yes, within the context of your 13:08

20 statement, yes. 13:08

21 MR. KIM: Okay. So I'd like to mark this as 13:08

22 1038, I believe. 13:08

23 (Document marked Exhibit 1038 13:09

24 for identification.) 13:09

25 MR. KIM: Q. Do you recognize Exhibit 1038? 13:09

Page 89

1           THE WITNESS: No. With the data that you've       13:55  
2       given me right here at this time, with the equipment       13:56  
3       that's available to me, I cannot make a determination.       13:56

4           MR. KIM: Q. And what would you need to make       13:56  
5       that determination?   13:56

6           A     I would need to have information that gave me       13:56

[REDACTED]   [REDACTED]  
[REDACTED]   [REDACTED]  
[REDACTED]   [REDACTED]  
[REDACTED]   [REDACTED]  
[REDACTED]   [REDACTED]  
[REDACTED]   [REDACTED]  
[REDACTED]   13:57

13          Q     And the same would be true for Exhibit 1043       13:57  
14       that you were just looking at before that?                   13:57

15          A     No. 1043 actually has component information       13:57  
16       on it.   13:57

17          Q     Okay. And what would you need to determine       13:57  
18       whether or not the diodes have [REDACTED]                   [REDACTED]  
[REDACTED]   13:57

20          A     Ideally, I would need a way of expanding the       13:57  
21       image and [REDACTED]   [REDACTED]  
[REDACTED]   [REDACTED]  
[REDACTED]   13:58  
24       data.   13:58

25           I frequently do that type of analysis in                   13:58

Page 90

1 graphics programs. I in particular use a program 13:58  
2 called CorelDRAW that allows me to do this type of 13:58  
3 detailed point-by-point analysis. 13:58

4 Q And that would be for the purpose of 13:58

5 [REDACTED] ? 13:58

6 A That's correct. 13:58

7 Q And you didn't do that for the board depicted 13:58  
8 in Exhibit 1043; correct? 13:58

9 A That's correct. 13:58

10 Q Okay. 13:58

11 (Document marked Exhibit 1045 13:58  
12 for identification.) 13:59

13 MR. KIM: I have the same question for 13:59  
14 Exhibit No. 1045, which bears Bates No. Uber00008610. 13:59

15 Q Does this exhibit depict [REDACTED] 13:59

[REDACTED] ? 13:59

17 A This document is an assembly document. So 13:59

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] 13:59

22 Q So sitting here today, you can't tell me 13:59  
23 whether or not the board depicted in Exhibit 1043 has 13:59  
24 continuing varying -- 13:59

25 MR. JAFFE: 1045, I'm assuming you're asking 13:59

Page 123

1 declaration, paragraph 40. And actually, let's move 15:03  
2 ahead to paragraph 43. 15:03

3 A (Witness complies.) 15:03

4 Q Do you see in the first sentence where you 15:04  
5 say: 15:04

6 "Moreover, both Liu and Schultz dissertation 15:04  
7 teach away from [REDACTED]." 15:04

8 A Yes. 15:04

9 Q What is a [REDACTED]? 15:04

10 A Depending on the application of the laser 15:04  
11 diode, either single emitter device or laser diode 15:04  
12 bar, [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] 15:04

16 Q For the GBr3, what would be [REDACTED]  
[REDACTED] ? 15:04

18 MR. JAFFE: Objection; form. 15:04

19 THE WITNESS: Without having gone through 15:05  
20 computations of the -- [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] 15:05

24 However, in the deposi- -- in the 15:05  
25 declarations of the Google engineer, Pierre Droz, they 15:05

Page 125

1 Q What about [REDACTED]? 15:07

2 A Again, you're asking me to do calculations 15:07  
3 that I don't have information available to me in terms 15:07  
4 of the detailed design properties of the system. 15:07

5 Q You know, earlier we were looking at the 15:07  
6 Trade Secret No. 7, and you confirmed there was no 15:07  
7 requirement of [REDACTED]. 15:07

8 Do you recall that? 15:07

9 A Yes. 15:08

10 Q Where does it say in Trade Secret 7 that the 15:08  
11 [REDACTED]? 15:08

12 A The significance in the Trade Secret is the 15:08  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED] 15:08

17 Q But where does it [REDACTED] [REDACTED]  
[REDACTED] ? 15:09

19 A Trade Secret No. 7 doesn't have [REDACTED]  
[REDACTED] . 15:09

21 (Document marked Exhibit 1048 15:09  
22 for identification.) 15:09

23 MR. KIM: Okay. I'd like to hand you 15:09  
24 deposition Exhibit No. 140 -- 1048. 15:09

25 MR. JAFFE: Can I get a copy, please? 15:09

Page 128

1 A Yes. 15:12  
2 Q And above that label, [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED] 15:13  
5 Do you see that? 15:13  
6 A Yes. 15:13  
7 Q Okay. This depicts [REDACTED] [REDACTED]  
[REDACTED]; correct? 15:13  
9 A Again, [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] 15:13  
15 Q That's not my question. 15:13  
16 My question is: That figure depicts [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]; correct? 15:13  
19 MR. JAFFE: Objection; form. 15:13  
20 THE WITNESS: As you see in this figure, 15:13  
21 there is [REDACTED]. 15:13  
22 But the greater body of knowledge of the 15:13  
23 packaging of even the specific type of high-powered 15:13  
24 laser diode bars as referenced in the Liu textbook 15:14  
25 indicates that the ideal configuration for these 15:14